

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES – Prohibition & Excise Department – Sri P. Nageswara Rao, Deputy Commissioner of Prohibition & Excise (Retd) – Notional promotion to the category of Deputy Commissioner of Prohibition & Excise w.e.f. 04.02.2008 on par with his junior Sri K.Diwakar in the panel year 2007-2008 – Orders - Issued.

REVENUE (EXCISE-I) DEPARTMENT

G.O.Ms.No. 626

Dated:06.11.2012

Read the following:

1. G.O.Ms.No.116, Revenue (Ex-I) Dept., dated 04.02.2008.
2. G.O.Rt.No.966, Rev (Ex.I) Dept. dt:12-7-2010
3. G.O.Rt. No. 298, Rev (Vig-V)Dept., Dated: 18.02.2012.
4. Representation of Sri P. Nageswara Rao, Deputy Commissioner of Prohibition & Excise dated: 01.03.2012.
5. From the CPE, Hyderabad Letter Cr. No. 15450/ 2005/ CPE/A1, dated 17.06.2012.
6. G.O.Rt. No.1229, Rev (Vig-V)Dept., Dated: 16.08.2012.
7. Orders of APAT dated:28.08.2012 in OA. No. 6761/2012 filed by Sri P. Nageswara Rao, Deputy Commissioner of Prohibition & Excise(Retd).

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ORDER:

In the reference 4th read above, Sri.P.Nageswara Rao, Deputy Commissioner of Prohibition & Excise (adhoc) has requested for restoring his placement in the panel of Asst. Commissioners fit for promotion to the category of Deputy Commissioners of Prohibition and Excise below Sri.P.Krishna Murthy, and above Sri.K.Divakar in the panel year of 2006-07, as the Government have dropped further action against him in the ACB case, which was pending at the time of approval of panel in G.O. Ms. No. 116, Rev (Ex-I)Dept., Dt: 04.02.2008.

2. The Commissioner of Prohibition & Excise, in the reference 5th read above, has stated that Government vide G.O.Rt.No.298, Rev(Vig.V) Dept. dt:18-2-2012 have dropped further action against the individual, as the allegation of assets disproportionate to the known sources of his legal income was not proved. But, the departmental action against him on the allegation that he failed to obtain prior permission from the competent authority and failed to intimate about acquisition of certain assets is still pending with the Commission of Inquiries.

3. The Hon'ble APAT in its order dated: 28.08.2012 in O.A. No. 6761/2012 filed by Sri P. Nageswara Rao, Deputy Commissioner of Prohibition & Excise (Retd) has passed the following interim orders:

"Pending disposal of the OAs, there shall be an interim direction to the respondents to consider the claim of the applicant for notional promotion in the cadre of Deputy Commissioner on par with his junior as his name was differed after due approval by the Government solely on the ground of pendency of ACB case and accord all consequential benefits by passing appropriate orders within a period of two weeks from the date of receipt of a copy of this order."

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4. In the panel year 2006-2007 the Departmental Promotion Committee met on 30.08.2007 and recommended certain names of the Assistant Commissioner Prohibition & Excise for inclusion in the panel of Assistant Commissioner Prohibition & Excise for temporary promotion as Deputy Commissioners of Prohibition and Excise for the panel year 2006-2007 including the name of Sri P. Nageswara Rao at Sl. No. (2). The Departmental Promotion Committee while examining the proposal, recommend the name of Sri P. Nageswara Rao, for inclusion in the panel, for promotion as Deputy Commissioner of Prohibition and Excise as no disciplinary action was initiated against him in the ACB Disproportionate assets case. Accordingly orders were issued vide G.O. M.S No. 1885, Rev (Ex-I) Dept., Dt: 31.08.2007 approving the panel of ACP&E for the panel year 2006-07. After approval of panel Govt., have examined the recommendations of Departmental Promotion Committee carefully and had taken a view that it would not be desirable to include the name of Sri P. Nageswara Rao in the panel since the preliminary enquiry contains an allegation of grave and serious nature and Govt. had accordingly cancelled the panel approved in G.O. M.S No. 1885, Rev (Ex-I) Dept., Dt: 31.08.2007 and ordered that a fresh meeting of the Departmental Promotion Committee should be held to reconsider the cases of all the eligible persons for promotion to the category of DC(P&E) vide G.O. Rt. No. 2155, Rev (Ex-I) Dept, Dt: 06.10.2007.

5. In the panel year 2007-08, the Departmental Promotion Committee met on 29-01-2008 and, after going through the ACRs, relevant records and other material papers, recommended the names of the Assistant Commissioner Prohibition & Excise fit for inclusion in the panel of Assistant Commissioner Prohibition & Excise for temporary promotion as Deputy Commissioners of Prohibition and Excise for the panel year 2007-08 as follows:

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| 1. Sri P.Krishna Murthy | ... Roster Point (RP) 18 |
| 2. Sri P.Nageswara Rao | ... |
| 3. Sri K.Diwakar | |
| 4. Sri K.Alwal Reddy | |
| 5. Sri K.L.Bhasker - SC | ... > SC (W) RP-22 |
| 6. Sri M.Venkataiah | |
| 7. Sri D.Janardhan Rao | |
| 8. Sri V.Subba Rao | ... > ST RP-25 (Promotion to be deferred as charges pending) |
| 9. Sri D.Yugandhar Raju | |
| 10. M.Deva Kumar - SC | ... > SC RP-27 |
| 11. T.Prasad | |

6. The Departmental Promotion Committee while recommending the above names has observed that though ACB disproportionate assets case was initiated against Sri P.Nageswara Rao, Assistant Commissioner of Prohibition and Excise (Sl.No.2), no charge memo was served on him and no charge sheet was filed against him and hence the Departmental Promotion Committee decided to consider his name for promotion as per rules in force. However, they had advised the Revenue Department to take a decision in the matter.

7. Government after examination of the matter, had taken a view that it would not be desirable to consider the name of Sri P.Nageswara Rao for promotion in that panel since the preliminary enquiry against him contained an allegation of grave and serious nature. Accordingly the name of Sri P. Nageswara Rao was deferred for promotion to the post of Deputy Commissioner of Proh.& Excise in the panel year 2007-08 vide G.O. Ms. No. 116, Rev (Ex-I) Dept., Dt: 04.02.2008. Subsequently, in the reference 2nd read above, the name of Sri P.Nageshwara Rao was considered for adhoc promotion as Deputy Commissioner of Prohibition and Excise in terms of G.O.Ms. NO. 257, GA (Ser-C) Dept., Dt: 10.06.1999.

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8. Govt. have further observed that the case of Sri P. Nageswara Rao for promotion as Deputy Commissioner of Prohibition and Excise has been deferred in the panel year 2007-08 and 2008-09 due to pendency of disproportionate of assets case. The above case has been subsequently dropped in G.O. Rt. No. 298, Rev (Vig-V) Department, dated:18.02.2012. The other disciplinary case relating to violation of APCS(Conduct) Rules was initiated against the individual on 03.07.2009. Hence that would not operate as a bar for his consideration in the panel year 2007-08.

9. Government, after careful examination of the matter, keeping in view of the directions of Hon'ble APAT dated: 28.08.2012 in OA. NO. 6761/2012, hereby decided to consider the request of Sri P. Nageswara Rao, Deputy Commissioner of Prohibition & Excise (Retd) to assign him notional promotion in the category of Deputy Commissioner of Prohibition & Excise with effect from 04.02.2008 i.e., the date on which his junior Sri.K.Diwakar was promoted as Deputy Commissioner of Prohibition & Excise, in the panel year 2007-08 in terms of G.O.Ms.No.257, G.A. (Ser-C) Dept., dated 10.06.1999.

10. Accordingly, Sri P. Nageswara Rao, Deputy Commissioner of Prohibition & Excise(Retd) is hereby assign notional date of promotion as Deputy Commissioner of Prohibition & Excise with effect from 04.02.2008 in the panel year 2007-08 on par with his junior Sri K.Diwakar in relaxation of Rule-33(a) of the A.P. State & Subordinate Service Rules, 1996.

11. The Commissioner of Prohibition & Excise, A.P., Hyderabad shall take necessary further action in the matter.

12. The above notional promotion shall be subject to the outcome of SLPs /WPs /OAs /CAs /RPs etc., pending in the Hon'ble Supreme Court/ High Court/ Tribunal, as the case may be.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise, A.P., Hyderabad
The individual through CPE, A.P., Hyderabad
Copy to:
The Govt., Pleader for Revenue (S), APAT, Hyderabad.
The Rev (Vig-V) Department
The PS to Minister for Excise and Prohibition
The P.S. to Prl. Secy.(AM)
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER